



**Substitute Senate Bill No. 1356**

**Public Act No. 05-182**

**AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO  
REQUEST EX PARTE AUTHORITY TO COMPEL DISCLOSURE OF  
TELEPHONE AND INTERNET RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2005*) (a) For the purposes of this section and section 2 of this act:

(1) "Basic subscriber information" means: (A) Name, (B) address, (C) local and long distance telephone connection records or records of session times and durations, (D) length of service, including start date, and types of services utilized, (E) telephone or instrument number or other subscriber number or identity, including any assigned Internet protocol address, and (F) means and source of payment for such service, including any credit card or bank account number;

(2) "Call-identifying information" means dialing or signaling information that identifies the origin, direction, destination or termination of each communication generated or received by a subscriber or customer by means of any equipment, facility or service of a telecommunications carrier;

(3) "Electronic communication service" means "electronic communication service" as defined in 18 USC 2510, as amended from

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time to time;

(4) "Law enforcement official" means the Chief State's Attorney, a state's attorney, an inspector with the Division of Criminal Justice, a sworn member of the Division of State Police within the Department of Public Safety or a sworn member of an organized local police department;

(5) "Remote computing service" means "remote computing service" as defined in section 18 USC 2711, as amended from time to time; and

(6) "Telecommunications carrier" means "telecommunications carrier" as defined in 47 USC 1001, as amended from time to time.

(b) A law enforcement official may request an ex parte order from a judge of the superior court to compel (1) a telecommunications carrier to disclose call-identifying information pertaining to a subscriber or customer, or (2) a provider of electronic communication service or remote computing service to disclose basic subscriber information pertaining to a subscriber or customer. The judge shall grant such order if the law enforcement official states a reasonable and articulable suspicion that a crime has been or is being committed or that exigent circumstances exist and such call-identifying or basic subscriber information is relevant and material to an ongoing criminal investigation. The order shall state upon its face the case number assigned to such investigation, the date and time of issuance and the name of the judge authorizing the order. The law enforcement official shall have any ex parte order issued pursuant to this subsection signed by the authorizing judge within forty-eight hours or not later than the next business day, whichever is earlier.

(c) A telecommunications carrier shall disclose call-identifying information and a provider of electronic communication service or remote computing service shall disclose basic subscriber information

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to a law enforcement official when an order is issued pursuant to subsection (b) of this section.

(d) Not later than forty-eight hours after the issuance of an order pursuant to subsection (b) of this section, the law enforcement official shall mail notice of the issuance of such order to the subscriber or customer whose call-identifying information or basic subscriber information is the subject of such order, except that such notification may be delayed for a period of up to ninety days upon the execution of a written certification of such official to the judge who authorized the order that there is reason to believe that notification of the existence of the order may result in (1) endangering the life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence, (4) intimidation of potential witnesses, or (5) otherwise seriously jeopardizing the investigation. The law enforcement official shall maintain a true copy of such certification. During such ninety-day period, the law enforcement official may request the court to extend such period of delayed notification. Such period may be extended beyond ninety days only upon approval of the court.

(e) A telecommunications carrier or provider of electronic communication service or remote computing service that provides information pursuant to an order issued pursuant to subsection (b) of this section shall be compensated for the reasonable expenses incurred in providing such information.

(f) Any telecommunications carrier or provider of electronic communication service or remote computing service that provides information in good faith pursuant to an order issued pursuant to subsection (b) of this section shall be afforded the legal protections provided under 18 USC 3124, as amended from time to time, with regard to such actions.

Sec. 2. (NEW) (*Effective October 1, 2005*) Not later than January

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fifteenth of each year, each law enforcement official shall report to the Chief State's Attorney the information required by this section with respect to each order issued pursuant to section 1 of this act in the preceding calendar year. The Chief State's Attorney shall, based upon the reports filed by each law enforcement official and not later than January thirty-first of each year, submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to criminal law and procedure concerning orders issued pursuant to section 1 of this act in the preceding calendar year. The report shall include the following information: (1) The number of orders issued, (2) whether the order was directed to a telecommunications carrier, provider of electronic communication service or provider of remote computing service, (3) whether the information sought was call-identifying information or basic subscriber information, (4) the statutory offense or offenses that were the subject of the investigation, (5) the number of notifications that were delayed pursuant to subsection (d) of section 1 of this act, and the reason for such delayed notification, (6) the number of motions to vacate an order that were filed, and the number of motions granted or denied, (7) the number of investigations concluded and the final result of such investigations, and (8) the status of any criminal prosecution resulting from the investigation.

Approved July 1, 2005